

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

RICHARD SAUNDERS,
Plaintiff

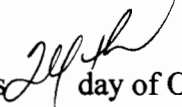
v.

GEO GROUP, INC., et al.,
Defendants.

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CIVIL ACTION NO. 19-CV-2322

ORDER

AND NOW, this  day of October, 2019, upon consideration of Plaintiff Richard Saunders's Amended Complaint (ECF No. 10), it is **ORDERED** that:

1. The Amended Complaint is **DISMISSED WITH PREJUDICE** pursuant to 28 U.S.C. § 1915(e)(2)(B(ii)) as to Defendants GEO Group, Inc., Superintendent John A. Reilly, Jr., Warden David Byrne, and Deputy Warden Mario Colucci on all claims.
2. The Amended Complaint shall **PROCEED** solely with respect solely to Mr. Saunders's Eighth Amendment deliberate indifference claim against Defendant Corrections Officer Kenneth relating to the denial of a bottom bunk.
3. The Clerk of Court shall **AMEND** the caption to reflect only Defendant Corrections Officer Kenneth.
4. The Clerk of Court shall issue summons. Service of the summons and the Amended Complaint, along with a copy of this Order and its accompanying Memorandum, shall be made upon Defendant Corrections Officer Kenneth by the U.S. Marshals Service. Mr. Saunders will be required to complete USM-285 forms so that the marshals can serve Defendant Kenneth. Failure to complete those forms may result in dismissal of this case.

5. All original pleadings and other papers submitted for consideration to the Court in this case are to be filed with the Clerk of Court. Copies of papers filed in this Court are to be served upon counsel for all other parties (or directly on any party acting *pro se*). Service may be made by mail. Proof that service has been made is provided by a certificate of service. The certificate of service should be filed in the case along with the original papers and should show the day and manner of service. An example of a certificate of service by mail follows:

“I, (name), do hereby certify that a true and correct copy of the foregoing (name of pleading or other paper) has been served upon (name(s) of person(s) served) by placing the same in the U.S. mail, properly addressed, this (day) of (month), (year).

(Signature)”

6. Any request for court action shall be set forth in a motion, properly filed and served. The parties shall file all motions, including proof of service upon opposing party, with the Clerk of Court. The Federal Rules of Civil Procedure and Local Rules are to be followed. Mr. Saunders is specifically directed to comply with Local Civil Rule 7.1 and serve and file a proper response to all motions within fourteen (14) days. Failure to do so may result in dismissal.

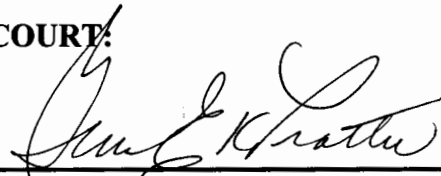
7. Mr. Saunders is specifically directed to comply with Local Rule 26.1(f) which provides that “[n]o motion or other application pursuant to the Federal Rules of Civil Procedure governing discovery or pursuant to this rule shall be made unless it contains a certification of counsel that the parties, after reasonable effort, are unable to resolve the dispute.” Mr. Saunders shall attempt to resolve any discovery disputes by contacting Defendant’s counsel directly by telephone or through correspondence.

8. No direct communication is to take place with the United States District Judge or any United States Magistrate Judge with regard to this case. All relevant information and papers are to be directed to the Clerk of Court.

9. In the event a summons is returned unexecuted, it is Mr. Saunders's responsibility to ask the Clerk of Court to issue an alias summons and to provide the Clerk with the Defendant's correct address, so service can be made.

10. The parties should notify the Clerk's Office when there is an address change. Failure to do so could result in court orders or other information not being timely delivered, which could affect the parties' legal rights.

BY THE COURT:

A handwritten signature in black ink, appearing to read "Gene E.K. Pratter", written over a horizontal line.

GENE E.K. PRATTER, J.